

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, practices, and conduct of Pacific Bell Wireless LLC dba Cingular Wireless, U-3060, U-4135 and U-4314, and related entities (collectively "Cingular") to determine whether Cingular has violated the laws, rules and regulations of this State in its sale of cellular telephone equipment and service and its collection of an Early Termination Fee and other penalties from consumers.

Investigation 02-06-003
(Filed June 6, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
AMENDING SCOPING MEMO TO REVISE SCHEDULE (4th REVISION)**

This ruling revises the schedule for this proceeding consistent with the oral rulings made on January 24, 2002, following hearing on the motion of Cingular Wireless (Cingular) for modification of the procedural schedule.¹ After hearing argument from Cingular, the Commission's Consumer Protection & Safety Division (CPSD) and the Utility Consumers' Action Network (UCAN), I modified the schedule to allow one additional week for distribution of Cingular's prepared testimony, to allow one additional week for the distribution of rebuttal testimony from CPSD and UCAN, and to defer evidentiary hearing from March

¹ *Motion of Cingular Wireless for Further Modification of Procedural Schedule and Shortening Time for Response*, filed January 17, 2003. Cingular filed, concurrently, the *Motion of Cingular Wireless for Extension of Waiver of Public Utilities Code Section 1701.2(d)*.

to April, 2003. I also revised the due date for production of follow-up discovery from Cingular, previously ordered to be produced by February 7, 2003, and directed the parties to hold the proposed meeting with Cingular's engineers that is discussed in their pleadings.

The revised schedule, below, reflects the new dates for these events and reflects other, related schedule adjustments.

February 6, 2003	Respondent distributes prepared testimony
February 10, 2003	Respondent produces all discovery previously ordered to be produced by February 7, 2003.
February 10, 2003, to be continued through February 11, 2003, as necessary	Respondent, staff and UCAN meet with Respondent's engineers
March 14, 2003	Staff and UCAN distribute prepared rebuttal testimony.
April 1, 2003, to be continued day to day through April 11, 2003, as necessary	Evidentiary Hearing, 9:00 a.m., Commission Courtroom, State Office Building, 505 Van Ness Avenue, State Office Building, San Francisco, CA 94102.
Date to be set at Evidentiary Hearing	Concurrent initial briefs filed.
May 23, 2003	Concurrent reply briefs filed; case submitted.
July 22, 2003	Presiding Officer's Decision (POD) filed within 60 days of submission.

August 21, 2003	POD becomes decision of Commission (unless appeal filed under Pub. Util. Code § 1701.2(a))
Approx. September 2, 2003	Commission may act on Modified Presiding Officer's Decision (if appeal of POD filed)

The current deadline for resolution of this proceeding is October 17, 2003, ordered by Decision 02-12-048. There is no need, at this time, to further extend the deadline and so Cingular's motion to do so is denied.

IT IS RULED that:

1. The schedule for this proceeding is set forth herein.
2. The January 17, 2003, motion of Cingular Wireless (Cingular) for modification of the procedural schedule is granted to the extent consistent with the schedule set forth herein and is otherwise denied.
3. The January 17, 2003 motion of Cingular for extension of the Pub. Util. Code § 1701.2(d) deadline is denied.

Dated January 27, 2003, at San Francisco, California.

/s/ JEAN VIETH

Jean Vieth
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Amending Scoping Memo to Revise Schedule (4th Revision) on all parties of record in this proceeding or their attorneys of record.

Dated January 27, 2003, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TTY# 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.